REMARKS

Claims 1, 3, 4, 8 and 9 are pending. Claims 1, 3 and 8, the independent claims, have been amended. Claims 2, 5-7, 10 and 11 have been cancelled without prejudice.

Claim 7 was rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,366,791 (Lin et al.). Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 103 over Lin et al. in view of U.S. Published Patent Application US2003/0003968 (Muraki). Cancellation of claims 2, 5-7, 10 and 11 renders their rejections moot. Applicants submit that amended independent claims 1, 3 and 8 are patentable over the cited references for at least the following reasons.

Claim 1 recites, inter alia, storing, in the mobile phone, data of a part of a ring tone melody to be downloaded from the ring tone melody distribution server, and reproducing data of the stored part of the ring tone melody to be downloaded until the data of the ring tone melody to be downloaded is completely received from the ring tone melody storing server through a mobile phone line.

By virtue of the recited feature, a portion of a ring tone, stored in the mobile phone itself, can begin the ringing using a pre-stored portion of the ring tone melody to be downloaded, even before the entire melody has been downloaded. This allows the phone to only have to store the beginning of a melody in the phone itself. Once the entire melody has been downloaded, the phone can play the remaining part of the melody.

The Office Action, at page 7, took the position that Lin teaches storing part of the ring tone melody, referring to Figure 2, which shows a mobile phone with a memory for storing a music download. However, there is no teaching or suggestion in Lin of storing only a part of the melody locally, i.e., in the mobile phone, allowing the phone to play the melody until the remainder of the melody has been downloaded, as in amended claim 1. Muraki, which shows a system in which a mobile telephone can receive MIDI data to control an

external music synthesizer, does not remedy the above-mentioned deficiency of Lin et al. as a reference against claim 1.

For at least this reason, amended claim 1 is believed clearly patentable over the cited art.

The other amended independent claims recite substantially similar features and are believed patentable for at least the same reasons.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Dated: July 8, 2005

Respectfully submitted,

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